

FILED

MAY - 9 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUSTIN BURT,

Defendant.

No. ~~CR~~ 4-11-70281 MAG (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Dustin Burt is charged in a criminal complaint a violation of 18 U.S.C. § 2113(a) (bank robbery). Mr. Burt was arrested in Arizona and made a Rule 5 appearance in Phoenix before Magistrate Judge Edward C. Voss on April 15, 2011. Judge Voss removed Mr. Burt to this district. On May 6, 2011, Mr. Burt made his initial appearance in the charging district and the United States moved for Mr. Burt's detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Defendant did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the May 9, 2011 hearing before this Court, Defendant waived the timing of his right to proffer information at a detention

DETENTION ORDER

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cc: Copy to parties via ECF, 2 Certified copies to US Marshal, Pretrial Services

1 hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the  
2 assistance of counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to  
3 present information by proffer or otherwise), and retained his right to raise any additional  
4 relevant information at a later hearing. The Court notes that Defendant is subject to at least one  
5 active state arrest warrant at this time.

6 After considering the limited information available to the Court, and the factors set forth  
7 in 18 U.S.C. § 3142(g), the Court detains Mr. Burt as a serious risk of flight and finds that no  
8 condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his  
9 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d  
10 1403, 1406 (9th Cir. 1985).

## 11 II. CONCLUSION

12 The Court detains Mr. Burt as a serious flight risk. Because Defendant waived his right  
13 to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant  
14 information at a later hearing, the Court orders that the hearing may be reopened at Defendant's  
15 request at any future time.

16 Mr. Burt shall remain committed to the custody of the Attorney General for confinement  
17 in a corrections facility separate, to the extent practicable, from persons awaiting or serving  
18 sentences or being held in custody pending appeal. Defendant shall be afforded reasonable  
19 opportunity for private consultation with counsel. On order of a court of the United States or on  
20 request of an attorney for the Government, the person in charge of the corrections facility in  
21 which Defendant is confined shall deliver Defendant to a United States marshal for the purpose  
22 of an appearance in connection with a court proceeding.

23 IT IS SO ORDERED.

24  
25  
26 DATED: May 9, 2011



27 DONNA M. RYU  
28 United States Magistrate Judge